

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

K. Kristensen,)
)
Plaintiffs,)
)
v.) Case No. 3:09-CV-00084
) Consolidated
William David Spotnitz, et al.)
)
Defendants.)
)

**PLAINTIFFS' MOTION TO EXCLUDE OR LIMIT THE EXPERT
TESTIMONY OF DEFENSE EXPERT DRS. PHILLIPS AND CHEUNG**

Plaintiffs, by counsel, move this Court to exclude, and/or alternatively, limit the expert testimony of two proposed defense experts, Dr. Phillips and Dr. Cheung, on the grounds that the two experts have not supplemented their expert reports to address the supplemental report of Plaintiffs' expert Dr. Vilseck, and can not render an expert opinion on his testing, diagnosis and analysis in this case; and to exclude Dr. Cheung's expert testimony in industrial hygiene as he is not properly qualified as an expert in this field and failed to address significant variables critical to his proposed opinions. The basis for the motion is outlined in the memorandum in support filed herewith.

Respectfully submitted,

K.K. and A.K., by counsel

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CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2011 I electronically filed Plaintiffs' motion to exclude and/or limit the expert testimony of Defendants' expert Drs. Phillips and Cheung with the Clerk of the Western District Federal Court, Charlottesville, Virginia using the CM/ECF system which will send electronic copies of the document to Chad Mooney and Ed Dawson, Petty, Livingston, Dawson & Richards, 725 Church Street, Suite 1200, P.O. Box 1080, Lynchburg, Virginia 24505 at cmooney@pldrlaw.com and edawson@pldrlaw.com. There are no other counsel in the case that require hard copy mailing.

/S/ _____
David S. Bailey